

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 3, 2012

The meeting of the Stafford County Planning Commission of Tuesday, April 3, 2012, was called to order at 7:01 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hirons, Apicella, Boswell, Hazard, Gibbons and Schwartz

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Ansong, Baker, Knighting and Zuraf

Mrs. Hazard stated that there were six members present and Dr. Schwartz would be arriving late.

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any declarations of disqualification. Hearing none he moved on to item 1.

UNFINISHED BUSINESS

1. **Amendment to Zoning Ordinance; Farmers Market** - Proposed Ordinance O12-07 would amend and reordain Stafford County Code, Section 28-25, entitled "Definition of specific terms;" Section 28-35, Table 3.1, entitled "Table of uses and standards;" and Section 28-39, entitled "Special regulations." The proposed amendments would provide a definition for farmers market and amend the definition of public facilities to allow community-serving facilities, such as farmers markets, to be established on properties containing public facilities, when deemed appropriate by the Board of Supervisors. In addition, the amendments would allow farmers markets as a by-right use in the A-1, Agricultural; A-2, Rural Residential; RC, Rural Commercial; B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; PD-1, Planned Development 1; PD-2, Planned Development 2; RBC, Recreational Business Campus; and SC, Suburban Commercial Zoning Districts. The amendments would establish special regulations applicable to farmers markets, such as parking and site access, as well as an application approval process and permit requirements. **(Time Limit: May 15, 2012) (History - Deferred at March 21, 2012 to April 3, 2012)**

Kathy Baker presented the staff report for Farmers Market. She stated there are three types of entrances and permit requirements for commercial properties. She stated that a private driveway entrance for any kind of traffic generation of 50 vehicles per day or less could be gravel, but they would have to meet sight distance regulation and it would not qualify if a site was on a major road. She stated that for a moderate commercial entrance, which would be between 50 and 200 vehicles per day, there is a requirement for it to be paved and it would not have to have curb and gutter, and the entrance would only need to be about 18 feet wide. She stated that a full commercial entrance, which is greater than 200 vehicles per day, requires a paved entrance with curb and gutter, and a minimum 30 foot width. She stated that each permit would have a different permit fee associated with it, ranging from \$100 to \$250. She stated that a Performance Bond is also required. She stated that overall the objective is to find locations that already have existing entrances and parking for Farmers Markets. Mr. Gibbons asked if a performance bond is also required for the zoning permit.

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Mrs. Baker stated that she does not think for these permits that would be required, unless it was a grading issue. Mrs. Hazard asked what it would cost for someone to put a farmers market on a property that already has an entrance and parking lot. Mrs. Baker stated that there would be no charge; they would just need to get the Zoning Permit. Mr. Apicella asked how long the zoning permit would be effective. Mrs. Baker stated that it varies on the use because some of them are temporary uses, but most likely they will be one year. Mr. Apicella asked if it would be possible to establish a separate permitting fee just for farmers markets at a set price regardless of the amount of effort that went into it. Mrs. Baker replied yes. Mrs. Hazard made a motion to forward Ordinance O12-07 to the Board of Supervisors for their consideration for approval, and recommend that they approve adding a farmers market to Stafford County. Mr. Hirons seconded the motion. Mr. Apicella asked for an amendment to the motion, recommending that a standard fee be charged of \$25 for the purposes of getting a zoning permit for a farmers market. Mrs. Hazard accepted the modification to the motion. The motion passed 6-0 (Dr. Schwartz was absent).

2. Amendment to the Stafford County Comprehensive Plan and Zoning Ordinance - Amend the Courthouse UDA Plan element of the Comprehensive Plan and UD, Urban Development, Zoning District to establish maximum density regulations. **(Time Limit: June 5, 2012)**
(Authorize for Public Hearing by: April 18, 2012)
(Potential Public Hearing Date: May 16, 2012)

Mike Zuraf stated the next item for consideration would be amendments to the Courthouse Urban Development Area Plan, amending the Comprehensive Plan 2010-2030 document, as well and the Ordinance Amendment to the UD, Urban Development Zoning District, that would establish the maximum density regulations. He stated that the latest State Code change has made Urban Development Areas optional. He stated that there were two options provided along with the recommended language. He gave a brief description of the staff report. He stated that if the Commission wished to initiate public hearings to reflect the changes, there would be two separate public hearings, one for the Comprehensive Plan Amendments and one for the specific Ordinance Amendments. Mr. Gibbons asked if the public hearings could be done at the same time for public comment, but vote on them separately. Mr. Zuraf stated that could happen they would just prepare two separate reports, actions, and motions. Mr. Gibbons asked if that suggestion was acceptable. Mr. Rhodes stated that they have previously had times where two related matters were presented in one presentation and then they acted on them with two separate affirmative actions. Mr. Hirons made a motion that the Stafford Planning Commission move amendments to the Comprehensive Plan and Zoning Ordinance to public hearing. Mrs. Hazard seconded the motion. Mr. Hirons asked if they moved that night at what point would it be on the schedule. Mr. Harvey stated that it would be on May 2nd. The motion passed 6-0 (Dr. Schwartz was absent).

Mr. Rhodes stated since the next couple of items tie together and will take a bit of time and the Commission would have to break at 7:30 for the public presentations and the public hearing, if there are no objections he would take a break for 7 minutes.

The Commission took a short break at 7:23 p.m.

3. Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR)

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program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. **(Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012)**
(Authorize for Public Hearing by: May 16, 2012)
(Potential Public Hearing Date: June 20, 2012)

Discussed after the public hearing

4. Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated June 7, 2011 in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Brooke Station Urban Development Area and Courthouse Urban Development Area as receiving areas for Transfer of Development Rights. **(Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012)**
(Authorize for Public Hearing by: May 16, 2012)
(Potential Public Hearing Date: June 20, 2012)

Discussed after the public hearing

NEW BUSINESS

5. Proffer Guidelines - Review and discuss new methodology and policies.

Discussed after the public hearing

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Rhodes reconvened the meeting at 7:30 p.m. and opened the public presentations.

Mike Nardolilli stated he was the President of the Northern Virginia Conservation Trust (NVCT) and he will be sharing their views on the proposal to create a Pilot Transfer of Development Rights

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Program in Stafford County. He stated that NVCT was the first land trust in the Commonwealth to be accredited by the Land Trust Accreditation Commission. He stated that the members of the Commission were provided a NVCT Annual Report. He stated that NVCT also has a direct stake in the proposal as a tax payer, who owns five properties comprising 80 acres in the proposed sending area, which includes their 70 acre heronry. He stated that they have been very involved in land conservation in Stafford County for over 15 years. He stated that NVCT has protected a total of 3,375 acres in Stafford via a variety of means, three easement properties, six fee simple properties, and two assisted land acquisitions, known as Crow's Nest Phase One and Phase Two. He stated that NVCT's overall goal is for the area known as Crow's Nest Harbor to become an integral part of the existing Crow's Nest Natural Area Preserve as Crow's Nest Phase Three. He highlighted a couple of key points from the March 27th letter. He stated that through the first two issues NVCT is aware that the requirement of an estimated 904 development rights in the sending area be accommodated by at least an equal number of development rights in the receiving areas. He stated that NVCT's concern is that the proposal is actually encouraging development in the Brooke Station area.

Paul Waldowski stated that he would be discussing how townhouses have been built without a town. He stated that the County Administrator's key entity is to readdress stormwater issues in the County and it is going to become more important because VDOT is going to say that we are going to use 22 acres to build a horizontal parking garage. He stated that he read that they are going to move the Elementary School behind Doc Stone, which is another 22 acres. He stated that the population has more than doubled since 1990. He predicts by 2020, the population of Stafford will be 185,000 people. He stated that he believes that in the upcoming elections in this decade Senate Bill 274 and House Bill 869 that lead to the Code of Virginia, where Urban Development Areas are now optional and not mandatory, they will get rid of problem like Brook Point that are close to the rural entities and the conservation points that are one of the key amenities of this County.

With no one else coming forward, Mr. Rhodes closed the public presentations and proceeded to item number 6.

PUBLIC HEARINGS

6. RC1100267; Reclassification – Westgate Center at Stafford Courthouse - A proposed reclassification from the A-1, Agricultural and PD-1, Planned Development-1 Zoning Districts to B-2, Urban Commercial (48.99 acres) and R-2, Urban Residential-Medium Density Zoning Districts (24.33 acres) to allow for the development of a commercial retail and office complex, and single-family residential dwellings on Assessor's Parcels 29-66A and 66B, consisting of 73.32 acres in total, located on the east side of Austin Ridge Drive, and north of Courthouse Road in the Garrisonville Election District. **(Time Limit: July 2, 2012)**

Mike Zuraf presented the staff report. He stated that the Planning Commission is to consider the request for a reclassification of Assessor's Parcels 29-66A and 66B from A-1, Agricultural and PD-1, Planned Development-1 zoning districts to B-2, Urban Commercial (48.99 acres) and R-2, Urban Residential – Medium Density (24.33 acres) zoning districts. He gave a brief description of the zoning map and the proposed zoning plat. Mr. Zuraf gave a brief overview of the proffers, traffic analysis, comprehensive plan, and monetary contributions listed in the staff report. Mr. Rhodes asked if the TIA Implications are based on the full maximum build out of the 645,000 square feet.

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Mr. Zuraf stated that is correct. He stated that staff does recommend approval of the Ordinance with the proposed proffers and staff believes the project's benefits outweigh the negatives and would suggest the Planning Commission consider the request by the Fire and Rescue department. Mr. Apicella had questions and concerns regarding the number of existing hotels in Stafford County, their annual tax revenues, and the number of hotels that are in the process of being developed. Mr. Apicella asked had they ever allowed an applicant to take the benefit of any proffer reductions that might occur in the future. Mr. Harvey stated that the current guidelines stipulate that there is a fixed dollar amount that is set every year, and that dollar amount can float after that based on the Marshall Swift Construction Cost Index, so over the last several years it has decreased, but now it is increasing because of inflationary factors. There is no process where the base number changes, in the current guidelines. There were other questions and concerns relating to the language proposed in the sprinkler request by Fire and Rescue. Mr. Zuraf stated that he would contact the Fire and Rescue department to see if they would recommend any modifications to the language.

Charlie Payne, the applicant's representative of Hirschler Fleischer, gave a brief overview of key elements from the staff report. In particular, there were questions and concerns of the sign height, and the applicant clarified that they would be following the County standards for signage. Mr. Payne stated that the applicant was willing to remove paragraph 14 from the proffers. Mr. Gibbons asked if they had an easement for the property available. Mr. Payne stated that they have a recorded easement across the property, and a copy will be provided, but the easement is not beneficial to either party because of the way it angles across both sides, so they have a written agreement with the property owner that if they are approved they will have an easement in that location that is displayed on the GPD. Mr. Gibbons suggested the Fiscal Impact Analysis Consultant come back and present to the Commission how they would get \$3,000,000 in revenue.

Mr. Rhodes opened the public comment portion for item number 6.

Sue Christiansen stated that her concern is with the location of the commercial development near the residential areas, since she is a resident of a nearby location. In particular, she had question about the buffers, the retail and hotels that will be developed in the area, and the occupancy in ADR, Average Daily Rate. She had questions and concerns about the developer's history with previous developments, and who would be the builder of the homes.

Kevin Booker stated that his concern was the impact on the wildlife. He asked if there had been a study on the wildlife. He stated that his concern is the trail that is going to be built between the commercial and the residential for the project.

Dan Stanton stated that his concern is the retail in the area and if there is going to be a market for the homes in the area. He asked if anyone had talked to the Sheriff's department about what impact the development area will bring to the community. He stated that his concern is that they may not have the market for the hotels at that location.

Mike Shoup stated that his concern is the transient traffic. He stated that he would like the timing of the projects addressed.

Bill Tawton stated that his concern is the property values of the resident's homes. He stated that over the years the property value of their homes have decreased due to the economy, the crime rate,

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and the transient traffic that has come into the neighborhood. He stated that the residents' main concern is what is being brought into the neighborhood.

Dennis Parks stated that his concern is the property value of the resident's homes and the impact the new development is going to bring to the neighborhood.

Daphine Parks stated that her concern is with the new home developments, where would the children go to school and what impact it would have in the classroom. She stated that the classrooms are overloaded.

Paul Waldowski stated that almost every project that stands alone, without the ability to support transit and without convenience of nearby services. He stated that there are rolling slopes, stream corridors, and wildlife issues in the area. He asked what the County was going to do with 51 homes in the new development. He stated that the market is saturated in Stafford County and that is why short sales and foreclosures are at a high rate.

Judy Welch stated that her concern is Anthony Burns shutting down or moving. She had questions about the commuter lot, Austin Ridge Drive being widened, paths connecting the neighborhoods, landscape boundaries, barriers, signage, the homes that are being developed, the hotels, and wildlife.

With no one else coming forward, Mr. Rhodes closed the public comment portion of the public hearing, and asked the applicant to come forward to address some of the comments for clarification.

Mr. Payne stated that the closest residential home to the commercial site is about 650 feet from property line to property line. He stated that it will be significantly buffered and the walking path between the residential and the commercial is there to benefit the residential component. Mr. Hirons asked if there would be trails between the existing residential and the new residential. Mr. Payne stated there would not be any trails there. He stated that they proposed the uses into the future and they are consistent with the suburban area land use plan and the redevelopment plan, so they encompass the proposed uses with that in mind. Mr. Rhodes asked if Mr. Payne has an identified hotel or other occupant retail establishment, and if this is just a concept. Mr. Payne stated that yes is it just a concept plan. Mr. Rhodes stated the items that would be prohibited as the proffers are currently configured and proposed. Mr. Payne stated that they estimated 34 additional students, which have been accounted for with monetary proffers. Mr. Rhodes asked where Mr. Payne sees the connection from the new interchange to the development of the commercial portion of the plan. Mr. Payne stated that very likely the commercial component is not going to happen until the interchange happens. He stated that given the traffic impact and requirements, the investment stream is not going to happen until the interchange happens. Mr. Rhodes asked if he has a partnership with any particular builders for homes for the residential portion. Mr. Payne stated that they do not. He stated that the lots are 8,000 to 10,000 square feet, and they are looking at building high-end homes on the lots because those lots are larger than the lots that are in Austin Ridge. Mr. Apicella asked what the potential outcome would be if some of the properties were built by right. Mr. Payne stated 17 units by right. Mr. Payne stated that they would not be developing in the RPAs or the steep slope areas. Mr. Rhodes asked if there were landscaping buffers between Mr. Payne's properties and the properties of Austin Ridge Homes. Mr. Payne showed a highlight of the buffer on a map. Mr. Apicella asked what would cause them not to build up to the parking decks. Mr. Payne stated that it would be the buffer requirement between commercial and residential

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development. Mr. Rhodes asked Mr. Zuraf if the Sheriff's department was involved in preliminary designs. Mr. Zuraf stated that the Sheriff's department's staff was involved in the review of this case, and they provided the suggestions for the CPTED design. Mr. Harvey stated in reference to Mr. Hirons questions about the height of signs, that pursuant to the Zoning Ordinance, if they have a shopping center sign, the shopping center sign can be 30 feet in height, and if they have a general advertising sign, it could be 20 feet in height. He stated that there are other sign standards for other free standing signs if there is a pad site along a major roadway.

Mr. Rhodes made a motion to defer to the April 18th meeting.

Mrs. Hazard seconded the motion.

The motion passed 7-0.

Mr. Rhodes stated that takes care of new business. He suggested a motion to modify the agenda to move the Executive Session up because it could benefit the Commission in the discussion of items 3 and 4.

EXECUTIVE SESSION

Mr. Hirons made a motion to modify the agenda and move the executive session between items 2 and 3.

Dr. Schwartz seconded the motion.

The motion passed 7-0.

Mrs. Hazard put forth a resolution to authorize a closed meeting to consult with legal counsel and discuss in closed meeting legal advice regarding Crow's Nest Harbor as well as related issues concerning Transfer of Development Rights and Legal Implications.

Mr. Hirons seconded the motion.

The motion passed 7-0.

The Commission went into closed session at 9:26 p.m. The meeting was reconvened at 10:08 p.m.

Mr. Hirons made a motion to certify the actions of the Stafford County Planning Commission in a closed session on April 3, 2012.

Dr. Schwartz seconded the motion.

Mr. Hirons stated that he attests that the Stafford County Planning Commission does hereby certify on this, the 3rd day of April, 2012, that to the best of each members knowledge only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the closed meeting to which this certification applies, and to, only such public business matters as were identified in the motion, by which, the set closed meeting was convened or heard, discussed, or considered by the Commission.

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The motion passed 7-0.

Mr. Rhodes proceeded to item number 3.

3. *Amendment to Zoning Ordinance* - *Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. (Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012)*
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Mr. Harvey asked if for the Commission's purposes they could combine the discussions of items 3 and 4, regarding Transfer of Development Rights. Ms. Ansong presented the staff report. She stated that Frederick County does not allow the conversion of development rights to commercial square footage. Ms. Ansong gave a brief description of items 4 and 6 for the Embrey Mill proposed receiving area, options for the sending area, and newly proposed scenarios. Mr. Rhodes asked if there was anything that has a FAR of 1.64. Mr. Harvey stated that nothing like that exists in the County presently. Mr. Rhodes asked what the greatest FAR currently is in the County. Mr. Harvey stated that there are a couple of hotels that are close to 0.9. Mr. Rhodes asked what the maximum potential receiving in the Courthouse portion was. Ms. Ansong stated 469 was the receiving for that portion of Courthouse. Mr. Harvey stated for the Brooke area there is only A-1 zoned property that exists there. Mr. Hirons stated that he would like to limit the receiving area to Courthouse. He stated that his concern is the types of dwelling units in the receiving area, in particular in the zoning categories R-1 and A-1. He stated that he would like to limit it to single-family homes. Mr. Gibbons stated that his concern is with the new interchange and that Courthouse is not going to be a contiguous street. Mr. Rhodes stated that the receiving area would be the Courthouse UDA, and the

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sending area would be reduced by limiting the geographic areas or the first 400 units that could come out of the sending area. Mr. Apicella stated TDR sending areas are allowed to continue parkland uses on sending areas, so he suggested putting that provision into the TDR Ordinance. After a brief discussion, the Planning Commission decided upon the receiving area being Courthouse, providing the Commission with a map of the different types of zoning districts, and counsel will return with a sunset clause and language on limiting the number of units coming out of a sending area. Mr. Rhodes stated that they would proceed with the TDR discussion on April 8th. He proceeded to item number 5.

NEW BUSINESS

5. Proffer Guidelines - Review and discuss new methodology and policies.

Mr. Harvey stated that the Board gave the Commission 90 days to study it, make modifications, and conduct a public hearing. Mr. Harvey stated that the time limit for this item is near the end of June.

Mr. Hirons made a motion to defer item 5 to the next meeting.

Mr. Apicella seconded the motion.

The motion passed 7-0.

PLANNING DIRECTOR'S REPORT

- Architectural Standards

Mr. Zuraf gave a brief discussion of the Architectural Design Guidelines. He stated that staff suggests that the Architectural Design Guidelines be incorporated into the Traditional Neighborhood Development Plan, which is an element of the Comprehensive Plan. He stated that staff is in the process of developing the draft Architectural Design Standards and incorporating them into the TND plan. He stated that staff believes it would be appropriate to expand on the TND Plan to incorporate Architectural Design Standards that would be applicable to more intensely developed areas, including Urban Development Areas, Redevelopment Areas, and Planned Development zoning districts. Amendments will be provided at future meetings as they become final. Mr. Apicella recommended the Commission request more time on this item. Mr. Rhodes recommended they send a letter requesting more time on the item. Mr. Harvey stated staff would prepare the letter of recommendation, and that concluded his report. Mr. Rhodes proceeded to the County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. McClendon stated she had no report at the time.

COMMITTEE REPORTS

- Planning Commission Subcommittee – Cluster Ordinance

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Mrs. Hazard stated that they provided the Commission with a draft Ordinance for people to comment on, and they recommend moving it to public hearing at the next Planning Commission meeting. Mr. Rhodes stated that they would take affirmative action on the 18th of April. Mrs. Hazard stated the last page would give a nice overview for comparison purposes. Mr. Rhodes stated that they would have this item on the agenda to move forward at the next meeting.

CHAIRMAN'S REPORT

Mr. Rhodes stated that the Planning Commission would have a retreat Saturday, May 5th from 8 a.m. to noon to discuss items for the agenda, and to make sure they have full clarity on all the actions that transpires.

OTHER BUSINESS

8. TRC Information – April 11, 2012

Mr. Harvey stated that he would get the information to the appropriate Commissioner for that TRC meeting.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss the meeting adjourned at 11:03 p.m.

Michael Rhodes, Chairman
Planning Commission